

House \_\_\_\_\_ Amendment NO. \_\_\_\_\_

Offered By

1 AMEND House Committee Substitute for Senate Committee Substitute for Senate Bill No. 445,  
2 Page 1, Section 29.380, Line 12, by inserting after all of said section and line the following:

3  
4 "259.010. There shall be a "State Oil and Gas Council" composed of the following members  
5 in accordance with the provisions of section 259.020:

- 6 (1) [One member from the division of geology and land survey] The state geologist;
- 7 (2) One member from the department of economic development;
- 8 (3) One member from the Missouri public service commission;
- 9 (4) One member from the clean water commission;
- 10 (5) One member from the Missouri University of Science and Technology petroleum  
11 engineering program;
- 12 (6) One member from the Missouri Independent Oil and Gas Association; and
- 13 (7) Two members from the public.

14 259.020. The member entities in section 259.010 shall be represented on the council by the  
15 executive head of each respective entity, except that:

- 16 (1) The Missouri University of Science and Technology shall be represented by a professor  
17 of petroleum engineering employed at the university;
- 18 (2) The Missouri Independent Oil and Gas Association shall be represented by a designated  
19 member of the association; and
- 20 (3) The public members shall be appointed to the council by the governor, with the advice  
21 and consent of the senate. Both public members shall have an interest in and knowledge of the oil  
22 and gas industry, and both shall be residents of Missouri[, and at least one shall also be a resident of a  
23 county of the third or fourth classification]. The executive head of any member state agency, the  
24 professor of petroleum engineering at the Missouri University of Science and Technology and the  
25 member from the Missouri Independent Oil and Gas Association may from time to time authorize  
26 any member of the state agency's staff, another professor of petroleum engineering at the Missouri  
27 University of Science and Technology or another member of the Missouri Independent Oil and Gas  
28 Association, respectively, to represent it on the council and to fully exercise any of the powers and  
29 duties of the member representative.

30 259.030. 1. The council shall elect a chairman and vice chairman from the members of the  
31 council [other than the representative of the division of geology and land survey]. A chairman and

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1 vice chairman may serve more than a one-year term, if so elected by the members of the council.

2 2. The state geologist shall act as administrator for the council and shall be responsible for  
3 enforcing the provisions of this chapter.

4 259.050. Unless the context otherwise requires, the following words mean:

5 (1) "Certificate of clearance" means a permit prescribed by the council for the transportation  
6 or the delivery of oil or gas or product and issued or registered in accordance with the rule,  
7 regulation, or order requiring such permit;

8 (2) "Council", the state oil and gas council established by section 259.010;

9 (3) "Department", the department of natural resources;

10 (4) "Field", the general area underlaid by one or more pools;

11 [(4)] (5) "Gas", all natural gas and all other fluid hydrocarbons which are produced at the  
12 wellhead and not hereinbelow defined as oil;

13 [(5)] (6) "Illegal gas" means gas which has been produced from any well within this state in  
14 excess of the quantity permitted by any rule, regulation, or order of the council;

15 [(6)] (7) "Illegal oil" means oil which has been produced from any well within the state in  
16 excess of the quantity permitted by any rule, regulation, or order of the council;

17 [(7)] (8) "Illegal product" means any product derived in whole or in part from illegal oil or  
18 illegal gas;

19 [(8)] (9) "Noncommercial gas well", a gas well drilled for the sole purpose of furnishing gas  
20 for private domestic consumption by the owner and not for resale or trade;

21 [(9)] (10) "Oil", crude petroleum oil and other hydrocarbons regardless of gravity which are  
22 produced at the wellhead in liquid form and the liquid hydrocarbons known as distillate or  
23 condensate recovered or extracted from gas, other than gas produced in association with oil and  
24 commonly known as casinghead gas. The term shall also include hydrocarbons that do not flow to a  
25 wellhead but are produced by other means, including those contained in oil-shale and oil-sand;

26 [(10)] (11) "Owner", the person who has the right to drill into and produce from a pool and  
27 to appropriate the oil or gas he produced therefrom either for himself or others or for himself and  
28 others;

29 [(11)] (12) "Pool", an underground reservoir containing a common accumulation of oil or  
30 gas or both; each zone of a structure which is completely separated from any other zone in the same  
31 structure is a "pool", as that term is used in this chapter;

32 [(12)] "Producer", the owner of a well or wells capable of producing oil or gas or both;]

33 (13) "Product", any commodity made from oil or gas and includes refined crude oil, crude  
34 tops, topped crude, processed crude, processed crude petroleum, residue from crude petroleum,  
35 cracking stock, uncracked fuel oil, fuel oil, treated crude oil, residuum, gas oil, casinghead gasoline,  
36 natural-gas gasoline, kerosene, [benzine] benzene, wash oil, waste oil, blended gasoline, lubricating  
37 oil, blends or mixtures of oil with one or more liquid products or by-products derived from oil or  
38 gas, and blends or mixtures of two or more liquid products or by-products derived from oil or gas  
39 whether [hereinabove] herein enumerated or not;

40 (14) "Reasonable market demand" means the demand for oil or gas for reasonable current  
41 requirements for consumption and use within and without the state, together with such quantities as

1 are reasonably necessary for building up or maintaining reasonable working stocks and reasonable  
2 reserves of oil or gas or product;

3 (15) "Waste" means and includes:

4 (a) Physical waste, as that term is generally understood in the oil and gas industry, but not  
5 including unavoidable or accidental waste;

6 (b) The inefficient, excessive, or improper use of, or the unnecessary dissipation of, reservoir  
7 energy;

8 (c) The location, spacing, drilling, equipping, operating, or producing of any oil or gas well  
9 or wells in a manner which causes, or tends to cause, reduction in the quantity of oil or gas ultimately  
10 recoverable from a pool under prudent and proper operations, or which causes or tends to cause  
11 unnecessary or excessive surface loss or destruction of oil or gas;

12 (d) The inefficient storing of oil;

13 (e) The production of oil or gas in excess of transportation or marketing facilities or in  
14 excess of reasonable market demand; and

15 (f) Through negligence, the unnecessary or excessive surface loss or destruction of oil or gas  
16 resulting from evaporation, seepage, leakage or deliberate combustion;

17 (16) "Well", any hole drilled in the earth for or in connection with the exploration, discovery,  
18 or recovery of oil or gas, or for or in connection with the underground storage of gas in natural  
19 formation, or for or in connection with the disposal of salt water, nonusable gas or other waste  
20 accompanying the production of oil or gas.

21 259.052. 1. There is hereby created in the state treasury the "Oil and Gas Resources Fund"  
22 which shall consist of all gifts, donations, transfers, moneys appropriated by the general assembly,  
23 permit application fees collected under section 259.080, operating fees, closure fees, late fees,  
24 severance fees, and bequests to the fund. The fund shall be administered by the department of  
25 natural resources.

26 2. The state treasurer shall be custodian of the fund and may approve disbursements from the  
27 fund in accordance with sections 30.170 and 30.180. Notwithstanding the provisions of section  
28 33.080 to the contrary, any moneys remaining in the fund at the end of the biennium shall not revert  
29 to the credit of the general revenue fund. The state treasurer shall invest moneys in the fund in the  
30 same manner as other funds are invested. Any interest and moneys on such investments shall be  
31 credited to the fund.

32 3. After appropriation by the general assembly, the money in such fund shall be expended by  
33 the department to administer the provisions of chapter 259, and to collect, process, manage,  
34 interpret, and distribute geologic and hydrologic resource information pertaining to oil and gas  
35 potential, and not for any other purpose.

36 259.070. 1. The council has the duty of administering the provisions of this chapter. The  
37 council shall meet at least once each calendar quarter of the year and upon the call of the  
38 chairperson.

39 2. The council shall conduct a review of the statutes and rules and regulations under this  
40 chapter on a biennial basis. Based on such review, the council, if necessary, shall recommend  
41 changes to the statutes under this chapter and shall amend rules and regulations accordingly.

1           3. (1) The council shall have the power and duty to form an advisory committee to the  
2 council for the purpose of reviewing the statutes and rules and regulations under subsection 2 of this  
3 section. The advisory committee shall make recommendations to the council when necessary to  
4 amend current statutes and rules and regulations under this chapter and shall review any proposed  
5 new or amended statute or regulation before such proposed statute or regulation is considered by the  
6 council.

7           (2) The advisory committee shall be made up of representatives from the [division of  
8 geology and land survey] department, the oil and gas industry and any council member desiring to be  
9 on such advisory committee. The advisory committee shall meet prior to each calendar quarter  
10 meeting of the council, if necessary for the purposes set forth under this subsection, and present any  
11 recommendations to the council at such calendar quarter meeting. The council shall designate one of  
12 its members to serve as the chairperson of the advisory committee.

13           (3) The advisory committee may make recommendations to the council on appropriate fees  
14 or other funding mechanisms to support the oil and gas program efforts of the [division of geology  
15 and land survey] department.

16           4. The council, acting through the department, has the duty and authority to make such  
17 investigations as it deems proper to determine whether waste exists or is imminent or whether other  
18 facts exist which justify action.

19           5. The council, acting through the [office of the state geologist] department, has the  
20 authority:

21           (1) To require through the issuance of appropriate orders:

22           (a) Identification of ownership of oil or gas wells, producing leases, tanks, plants, structures,  
23 and facilities for the refining or intrastate transportation of oil and gas;

24           (b) The making and filing of all mechanical well logs and the filing of directional surveys if  
25 taken, and the filing of reports on well location, drilling and production, and the filing free of charge  
26 of samples and core chips and of complete cores less tested sections, when requested in the office of  
27 the state geologist within six months after the completion or abandonment of the well;

28           (c) The drilling, casing, operation, and plugging of wells in such manner as to prevent the  
29 escape of oil or gas out of one stratum into another; the intrusion of water into oil or gas stratum; the  
30 pollution of fresh water supplies by oil, gas, or highly mineralized water; to prevent blowouts,  
31 cavings, seepages, and fires; and to prevent the escape of oil, gas, or water into workable coal or  
32 other mineral deposits;

33           (d) The furnishing of a reasonable bond with good and sufficient surety, conditioned upon  
34 the full compliance with the provisions of this chapter, and the rules and regulations of the council  
35 prescribed to govern the production of oil and gas on state and private lands within the state of  
36 Missouri; provided that, in lieu of a bond with a surety, an applicant may furnish to the council his  
37 own personal bond, on conditions as described in this paragraph, secured by a certificate of deposit  
38 or an irrevocable letter of credit in an amount equal to that of the required surety bond or secured by  
39 some other financial instrument on conditions as above described or as provided by council  
40 regulations;

41           (e) That the production from wells be separated into gaseous and liquid hydrocarbons, and

1 that each be accurately measured by such means and upon such standards as may be prescribed by  
2 the council;

3 (f) The operation of wells with efficient gas-oil and water-oil ratios, and to fix these ratios;

4 (g) Certificates of clearance in connection with the transportation or delivery of any native  
5 and indigenous Missouri produced crude oil, gas, or any product;

6 (h) Metering or other measuring of any native and indigenous Missouri-produced crude oil,  
7 gas, or product in pipelines, gathering systems, barge terminals, loading racks, refineries, or other  
8 places; and

9 (i) That every person who produces, sells, purchases, acquires, stores, transports, refines, or  
10 processes native and indigenous Missouri-produced crude oil or gas in this state shall keep and  
11 maintain within this state complete and accurate records of the quantities thereof, which records shall  
12 be available for examination by the council or its agents at all reasonable times and that every such  
13 person file with the council such reports as it may prescribe with respect to such oil or gas or the  
14 products thereof;

15 (2) To regulate pursuant to rules adopted by the council:

16 (a) The release and forfeiture of bonds required under paragraph (d) of subdivision (1) of  
17 subsection 5 of this section;

18 (b) The drilling, producing, and plugging of wells, and all other operations for the  
19 production of oil or gas;

20 [(b)] (c) The [shooting and chemical] treatment of wells;

21 [(c)] (d) The spacing of wells;

22 [(d)] (e) Operations to increase ultimate recovery such as cycling of gas, the maintenance of  
23 pressure, and the introduction of gas, water, or other substances into producing formations; and

24 [(e)] (f) Disposal of highly mineralized water and oil field wastes;

25 (3) To limit and to allocate the production of oil and gas from any field, pool, or area;

26 (4) To classify wells as oil or gas wells for purposes material to the interpretation or  
27 enforcement of this chapter;

28 (5) To promulgate and to enforce rules, regulations, and orders to effectuate the purposes and  
29 the intent of this chapter;

30 (6) To make rules, regulations, or orders for the classification of wells as oil wells or dry  
31 natural gas wells; or wells drilled, or to be drilled, for geological information; or as wells for  
32 secondary recovery projects; or wells for the disposal of highly mineralized water, brine, or other oil  
33 field wastes; or wells for the storage of dry natural gas, or casinghead gas; or wells for the  
34 development of reservoirs for the storage of liquid petroleum gas;

35 (7) To detail such personnel and equipment or enter into such contracts as it may deem  
36 necessary for carrying out the plugging of or other remedial measures on wells which have been  
37 abandoned and not plugged according to the standards for plugging set out in the rules and  
38 regulations promulgated by the council pursuant to this chapter. Members of the council, the  
39 department, or authorized representatives may, with the consent of the owner or person in  
40 possession, enter any property for the purpose of investigating, plugging, or performing remedial  
41 measures on any well, or to supervise the investigation, plugging, or performance of remedial

1 measures on any well. A reasonable effort to contact the owner or the person in possession of the  
 2 property to seek his permission shall be made before members of the council, the department, or  
 3 authorized representatives enter the property for the purposes described in this paragraph. If the  
 4 owner or person in possession of the property cannot be found or refuses entry or access to any  
 5 member of the council, the department, or to any authorized representative presenting appropriate  
 6 credentials, the council or the department may request the attorney general to initiate in any court of  
 7 competent jurisdiction an action for injunctive relief to restrain any interference with the exercise of  
 8 powers and duties described in this subdivision. Any entry authorized under this subdivision shall be  
 9 construed as an exercise of the police power for the protection of public health, safety and general  
 10 welfare and shall not be construed as an act of condemnation of property nor of trespass thereon.  
 11 Members of the council [and], the department, or authorized representatives shall not be liable for  
 12 any damages necessarily resulting from the entry upon land for purposes of investigating, plugging,  
 13 or performing remedial measures or the supervision of such activity. However, if growing crops are  
 14 present, arrangements for timing of such remedial work may be agreed upon between the state and  
 15 landowner in order to minimize damages;

16 (8) To develop such facts and make such investigations or inspections as are consistent with  
 17 the purposes of this chapter. [Members of the council] The department or its authorized  
 18 representatives may, with the consent of the owner or person in possession, enter upon any property  
 19 for the purposes of inspecting or investigating any condition which the [council] department shall  
 20 have probable cause to believe is subject to regulation under this chapter, the rules and regulations  
 21 promulgated pursuant thereto or any permit issued by the [council] department. If the owner or  
 22 person in possession of the property refuses entry or access for purposes of the inspections or  
 23 investigations described, the [council] department or authorized representatives shall make  
 24 application for a search warrant. Upon a showing of probable cause in writing and under oath, a  
 25 suitable restricted search warrant shall be issued by any judge having jurisdiction for purposes of  
 26 enabling inspections authorized under this subdivision. The results of any inspection or investigation  
 27 pursuant to this subdivision shall be reduced to writing with a copy furnished to the owner, person in  
 28 possession, or operator;

29 (9) To cooperate with landowners with respect to the conversion of wells drilled for oil and  
 30 gas to alternative use as water wells as follows: the state geologist shall determine the feasibility of  
 31 the conversion of a well drilled under a permit for oil and gas for use as a water well and shall advise  
 32 the landowner of modifications required for conversion of the well in a manner that is consistent  
 33 with the requirements of this chapter. If such conversion is carried out, release of the operator from  
 34 legal liability or other responsibility shall be required and the expense of the conversion shall be  
 35 borne by the landowner.

36 6. No rule or portion of a rule promulgated under the authority of this chapter shall become  
 37 effective unless it has been promulgated pursuant to the provisions of section 536.024.

38 259.080. 1. It shall be unlawful to commence operations for the drilling of a well for oil or  
 39 gas, or to commence operations to deepen any well to a different geological formation, or to  
 40 commence injection activities for enhanced recovery of oil or gas or for disposal of fluids, without  
 41 first giving the state geologist notice of intention to drill or intention to inject and first obtaining a

1 permit from the state geologist under such rules and regulations as may be prescribed by the council.

2 2. The department of natural resources may conduct a comprehensive review, and propose a  
3 new fee structure, or propose changes to the oil and gas fee structure, which may include but need  
4 not be limited to permit application fees, operating fees, closure fees, and late fees, and an extraction  
5 or severance fee. The comprehensive review shall include stakeholder meetings in order to solicit  
6 stakeholder input from each of the following groups: oil and gas industry representatives, the  
7 advisory committee, and any other interested parties. Upon completion of the comprehensive  
8 review, the department shall submit a proposed fee structure or changes to the oil and gas fee  
9 structure with stakeholder agreement to the oil and gas council. The council shall review such  
10 recommendations at the forthcoming regular or special meeting, but shall not vote on the fee  
11 structure until a subsequent meeting. If the council approves, by vote of two-thirds majority, the fee  
12 structure recommendations, the council shall authorize the department to file a notice of proposed  
13 rulemaking containing the recommended fee structure, and after considering public comments may  
14 authorize the department to file the final order of rulemaking for such rule with the joint committee  
15 on administrative rules under sections 536.021 and 536.024 no later than December first of the same  
16 year. If such rules are not disapproved by the general assembly in the manner set out in this section,  
17 they shall take effect on January first of the following year, at which point the existing fee structure  
18 shall expire. Any regulation promulgated under this subsection shall be deemed beyond the scope  
19 and authority provided in this subsection, or detrimental to permit applicants, if the general  
20 assembly, within the first sixty calendar days of the regular session immediately following the filing  
21 of such regulation, disapproves the regulation by concurrent resolution. If the general assembly so  
22 disapproved any regulation filed under this subsection, the department and the council shall not  
23 implement the proposed fee structure and shall continue to use the previous fee structure. The  
24 authority of the council to further revise the fee structure as provided in this subsection shall expire  
25 on August 28, 2025.

26 3. Failure to pay the fees, or any portion thereof, established under this section or to submit  
27 required reports, forms or information by the due date shall result in the imposition of a late fee  
28 established by the council. The department may issue an administrative order requiring payment of  
29 unpaid fees or may request that the attorney general bring an action in the appropriate circuit court to  
30 collect any unpaid fee, late fee, interest, or attorney's fees and costs incurred directly in fee  
31 collection. Such action may be brought in the circuit court of Cole County, or, in the case of well  
32 fees, in the circuit court of the county in which the well is located.

33 259.100. 1. The council shall set spacing units as follows:

34 (1) When necessary to prevent waste, to avoid the drilling of unnecessary wells, or to protect  
35 correlative rights, the council shall establish spacing units for a pool. Spacing units when established  
36 shall be of uniform size and shape for the entire pool, except that when found to be necessary for any  
37 of the purposes above mentioned, the council is authorized to divide any pool into zones and  
38 establish spacing units for each zone, which units may differ in size and shape from those established  
39 in any other zone;

40 (2) The size and shape of spacing units are to be such as will result in the efficient and  
41 economical development of the pool as a whole;

1 (3) An order establishing spacing units for a pool shall specify the size and shape of each  
2 unit and the location of the permitted well thereon in accordance with a reasonably uniform spacing  
3 plan. Upon application, if the state geologist finds that a well drilled at the prescribed location  
4 would not produce in paying quantities, or that surface conditions would substantially add to the  
5 burden or hazard of drilling such well, the [state geologist] department is authorized to enter an order  
6 permitting the well to be drilled at a location other than that prescribed by such spacing order;  
7 however, the state geologist shall include in the order suitable provisions to prevent the production  
8 from the spacing unit of more than its just and equitable share of the oil and gas in the pool;

9 (4) An order establishing spacing units for a pool shall cover all lands determined or  
10 believed to be underlaid by such pool, and may be modified by the [state geologist] department from  
11 time to time to include additional areas determined to be underlaid by such pool. When found  
12 necessary for the prevention of waste, or to avoid the drilling of unnecessary wells or to protect  
13 correlative rights, an order establishing spacing units in a pool may be modified by the state  
14 geologist to increase the size of spacing units in the pool or any zone thereof, or to permit the drilling  
15 of additional wells on a reasonable uniform plan in the pool, or any zone thereof. Orders of the  
16 [state geologist] department may be appealed to the council within thirty days.

17 2. [The provisions of subsection 1 of this section shall not apply to noncommercial gas wells.

18 3.] Applicants seeking a permit for a noncommercial gas well shall file a bond [or other  
19 instrument of credit acceptable to the council equal to the greater of three hundred dollars or one  
20 dollar and fifty cents per well foot] under paragraph (d) of subdivision (1) of subsection 5 of section  
21 259.070 and meet the following conditions and procedures: an owner of a noncommercial gas well  
22 with drilling rights may apply for the establishment of a drilling unit [containing no less than three  
23 acres,] with a well set back of one hundred sixty-five feet on which a well no deeper than eight  
24 hundred feet in depth may be drilled. An owner of a noncommercial gas well may apply to the  
25 [council] department for a variance to establish a [drilling] spacing unit [of less than three acres  
26 and/or less than one hundred sixty-five feet], to set back distances, or both.

27 259.190. 1. Illegal oil, illegal gas, and illegal product are declared to be contraband and are  
28 subject to seizure and sale as herein provided; seizure and sale to be in addition to any and all other  
29 remedies and penalties provided in this chapter for violations relating to illegal oil, illegal gas, or  
30 illegal product. Whenever the council believes that any oil, gas or product is illegal, the council,  
31 acting by the attorney general, shall bring a civil action in rem in the circuit court of the county  
32 where such oil, gas, or product is found, to seize and sell the same, or the council may include such  
33 an action in rem for the seizure and sale of illegal oil, illegal gas, or illegal product in any suit  
34 brought for an injunction or penalty involving illegal oil, illegal gas, or illegal product. Any person  
35 claiming an interest in oil, gas, or product affected by any such action shall have the right to  
36 intervene as an interested party in such action.

37 2. Actions for the seizure and sale of illegal oil, illegal gas, or illegal product shall be strictly  
38 in rem, and shall proceed in the name of the state as plaintiff against the illegal oil, illegal gas, or  
39 illegal products as defendant. No bond or similar undertaking shall be required of the plaintiff.  
40 Upon the filing of the petition for seizure and sale, the attorney general shall issue a notice, with a  
41 copy of the complaint attached thereto, which shall be served in the manner provided for service of

1 original notices in civil actions, upon any and all persons having or claiming any interest in the  
2 illegal oil, illegal gas, or illegal products described in the petition. Service shall be completed by the  
3 filing of an affidavit by the person making the service, stating the time and manner of making such  
4 service. Any person who fails to appear and answer within the period of thirty days shall be forever  
5 barred by the judgment based on such service. If the court, on a properly verified petition, or  
6 affidavits, or oral testimony, finds that grounds for seizure and for sale exist, the court shall issue an  
7 immediate order of seizure, describing the oil, gas, or product to be seized and directing the sheriff of  
8 the county to take such oil, gas, or product into his custody, actual or constructive, and to hold the  
9 same subject to the further order of the court. The court, in such order of seizure, may direct the  
10 sheriff to deliver the oil, gas, or product seized by him under the order to an agent appointed by the  
11 court as the agent of the court; such agent to give bond in an amount and with such surety as the  
12 court may direct, conditioned upon his compliance with the orders of the court concerning the  
13 custody and disposition of such oil, gas, or product.

14 3. Any person having an interest in oil, gas, or product described in an order of seizure and  
15 contesting the right of the state to the seizure and sale thereof may, prior to the sale thereof as herein  
16 provided, obtain the release thereof, upon furnishing bond to the sheriff, approved by the court, in an  
17 amount equal to one hundred fifty percent of the market value of the oil, gas, or product to be  
18 released, and conditioned as the court may direct upon redelivery to the sheriff of such product  
19 released or upon payment to the sheriff of the market value thereof as the court may direct, if and  
20 when ordered by the court, and upon full compliance with the further orders of the court.

21 4. If the court, after a hearing upon a petition for the seizure and sale of oil, gas, or product,  
22 finds that such oil, gas, or product is contraband, the court shall order the sale thereof by the sheriff  
23 in the same manner and upon the same notice of sale as provided by law for the sale of personal  
24 property on execution of judgment entered in a civil action except that the court may order that the  
25 illegal oil, illegal gas, or illegal product be sold in specified lots or portions and at specified intervals.  
26 Upon such sale, title to the oil, gas, or product sold shall vest in the purchaser free of the claims of  
27 any and all persons having any title thereto or interest therein at or prior to the seizure thereof, and  
28 the same shall be legal oil, legal gas, or legal product, as the case may be, in the hands of the  
29 purchaser.

30 5. All proceeds derived from the sale of illegal oil, illegal gas, or illegal product, as above  
31 provided, after payment of costs of suit and expenses incident to the sale, and all amounts obtained  
32 by the council from the forfeiture of [surety or personal] bonds required under paragraph (d) of  
33 subdivision (1) of subsection 5 of section 259.070, [and any money recovered under subsection 1 of  
34 section 259.200] shall be paid to the state treasurer and credited to the "Oil and Gas Remedial Fund",  
35 which is hereby created. The money in the oil and gas remedial fund may be used by the [council]  
36 department to pay for the plugging of, or other remedial measures on, wells [and to pay the expenses  
37 incurred by the council in performing the duties imposed on it by this chapter. Any unexpended  
38 balance in the fund at the end of the fiscal year not exceeding fifty thousand dollars is exempt from  
39 the provisions of section 33.080 relating to transfer of unexpended balances to the ordinary revenue  
40 funds]. The state treasurer shall be custodian of the fund and may approve disbursements from the  
41 fund in accordance with sections 30.170 and 30.180. Notwithstanding the provisions of section

1 33.080, to the contrary, any moneys remaining in the fund at the end of the biennium shall not revert  
2 to the credit of the general revenue fund. The state treasurer shall invest moneys in the fund in the  
3 same manner as other funds are invested. Any interest and moneys earned on such investments shall  
4 be credited to the fund.

5 259.210. 1. Whenever it appears that any person is violating or threatening to violate any  
6 provision of this chapter, or any rule, regulation, or order of the council, the council [shall] or the  
7 department may request that the attorney general bring suit against such person in the circuit court of  
8 any county where the violation occurs or is threatened, to restrain such person from continuing the  
9 violation or from carrying out the threat of violation. In any such suit, the court shall have  
10 jurisdiction to grant to the council, without bond or other undertaking, such prohibitory and  
11 mandatory injunctions as the facts may warrant, including temporary restraining orders, preliminary  
12 injunctions, temporary, preliminary, or final orders restraining the movement or disposition of any  
13 illegal oil, illegal gas, or illegal product, any of which the court may order to be impounded or placed  
14 in the custody of an agent appointed by the court.

15 2. If the council shall fail to bring suit to enjoin a violation or a threatened violation of any  
16 provision of this chapter, or any rule, regulation, or order of the council, within ten days after receipt  
17 of written request to do so by any person who is or will be adversely affected by such violation, the  
18 person making such request may bring suit in his own behalf to restrain such violation or threatened  
19 violation in any court in which the council might have brought suit. The council shall be made a  
20 party defendant in such suit in addition to the person violating or threatening to violate a provision of  
21 this chapter, or a rule, regulation, or order of the council, and the action shall proceed and injunctive  
22 relief may be granted to the council or the petitioner without bond in the same manner as if suit had  
23 been brought by the council."; and

24  
25 Further amend said bill by amending the title, enacting clause, and intersectional references  
26 accordingly.  
27